

# **Notice of Allowability**

**Application No.**

09/622,621

**Examiner**

Maureen M. Wallenhorst

**Applicant(s)**

BUCHANAN ET AL

**Art Unit**

1743

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on November 6, 2003.  
 2. ☒ The allowed claim(s) is/are 1-3,5-13,19-21,31-33,4,14-17,25-27,18,28-30,22-24,34-40,51-52,41-50,53-63,65-81,84,82,85,83,86-90,94-95,91-93,96-99,102,100,103-106 (renumbered 1-104).

3. ☒ The drawings filed on 18 September 2000 are accepted by the Examiner.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.

(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1 ☐ Notice of References Cited (PTO-892)

2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
 Paper No. \_\_\_\_\_

4 ☐ Examiner's Comment Regarding Requirement for Deposit  
 of Biological Material

5 ☐ Notice of Informal Patent Application (PTO-152)

6 ☒ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.

7 ☒ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

9 ☐ Other

Maureen M. Wallenhorst  
 Primary Examiner  
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nicole Ressue on November 24, 2003.

At the end of line 6 in claim 1, the word --and-- was inserted.

On line 4 of claim 6, the word --of-- was inserted after the word "surface".

On line 5 of claim 21, the word "said" was deleted.

On line 3 of claims 39 and 40, the word --parameter-- was inserted after the word "system".

On lines 1-2 of claims 51, 52 and 53, the phrase "with a dual oscillation flow cytometer nozzle device" was deleted.

On line 1 of claims 55-62, the phrase "A flow cytometer system" was changed to --A fluidic oscillation system--.

On line 2 of claim 72, the phrase --of said portable member, -- was inserted after the word "surface". On line 3 of claim 72, a comma was inserted at the end of the line.

On line 2 of claim 77, the phrase --fluid from-- was inserted after the word "draining".

On line 4 of claim 77, the phrase "of fluid" was deleted.

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On lines 2-4 of claim 78, the phrase "within said portable member cupping said exterior surface of said flow cytometer apparatus" was deleted.

On line 2 of claim 94, the phrase "fluid from" was inserted after the word "draining".

On line 4 of claim 94, the phrase "of fluid" was deleted.

Reasons for allowance can be found in the Office action mailed on May 7, 2003.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 703-308-3912. The examiner can normally be reached on Monday-Wednesday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden, can be reached on 703-308-4037. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Maureen M. Wallenhorst  
Primary Examiner  
Art Unit 1743

mmw

December 1, 2003

*Maureen M. Wallenhorst*  
MAUREEN M. WALLENHORST  
PRIMARY EXAMINER  
GROUP 1700